

## AS TO MONOPOLY OF THE SEAS

## MERCANTILE MARINE PROPOSES TO VIOLATE NO LAW.

Vice-President Franklin Says the Steamship Lines Are Perfectly Ready to Follow the Ascertained Law and Suggested That the Law Be Ascertained.

On the suit brought by the United States to close its ports to steamship lines in the Atlantic conference unless they abandon their alleged agreement to control steamer traffic, P. A. S. Franklin, vice-president of the International Mercantile Marine Company, made this statement yesterday:

Last spring the Government began an investigation before the Grand Jury with regard to the business of the steamship lines. The lines at that time through their attorneys informed the United States attorney that if any of their practices were illegal they were perfectly willing to discontinue them and suggested that a suit be brought to determine the question. The matter, we believe, was referred to the Attorney-General, and it being thought that there was doubt as to the legality of certain ways in which the steamship lines were doing business it was determined to bring an equity action which would raise the whole question of the legality of the practices, and we understand that this suit is the result.

We have not had sufficient opportunity to study the bill filed by the Government to fully understand all its features, but we gather that the bill alleges that the lines are attempting to monopolize the steamer passenger business and that the Government seeks to enjoin the lines from carrying out abroad an agreement made abroad by the foreign officers of the various lines.

Of course as to the legal and technical points involved we are not sufficiently familiar with the law to pass upon those. They will have to be taken care of by the respective attorneys of the various lines. But looking at the matter from our point of view as practical business men it seems to us that ocean carriers can never have a monopoly of their business because the ocean is free and any person with capital can enter into the business with ease. The ocean carrier, unlike the railroad, has no franchise, so that a line of steamers may be established at a small expense compared with that of the building of a new railroad. The railroad has a comparative monopoly of the territory it serves, while in the case of ocean carriers all the territory is competitive.

The steamer business is a very peculiar one and must be handled by the united action of all the lines in order that serious abuses may not enter into it and in order to properly protect the interests of the immigrant. The Government by its immigration laws has provided severe penalties against the steamship companies for bringing in undesirable aliens and has regulated in numerous ways the immigration of aliens. The lines are unable to sell their tickets to steerage or other passengers as the railroads do at their various stations and depots. Passengers for ocean steamers come from parts of the country far removed from the port of embarkation, and the steamship lines must have thousands of agents all over the various countries. These agents, of course, cannot be paid salaries, but have to be remunerated by commission. In the competition for business many of the agents were cheating their commission and so some of the passengers were getting a rebate, or in other words there was the same discrimination in the steamer business as there was in the railroad business before the interstate commerce law was passed. Again in many cases irresponsible agents were preying upon the steerage passengers. It has not been so long ago that the newspapers had a long article regarding the fact that certain agents were selling tickets to ignorant steerage passengers for what was called the Blue Star Line of steamers when as a matter of fact there was no such steamer. It was largely these irregularities that caused the lines to get together in a conference to deal with the subject of the steamer passenger business.

Unrestricted competition in the steamer passenger business means the allowing of unjust discrimination and rebates and in the end hardship upon those passengers by reason of the great inequalities of the parties. We think that considering all the conveniences and comforts that are given to the passengers upon the steamers of the various lines, it will be found upon investigation that in no case has any one more than a reasonable profit been charged and that no unreasonable profit has been made by any of the lines out of the steamer passenger business.

The lines have felt and still feel that all that they have been doing and that is being done is entirely legal and in reality for the best interests of the steerage passengers, but if it is determined in this suit that any of the practices are in violation of the law in any way they will be only too glad to cease such practices.

United States Attorney Wise said yesterday:

"This action was brought in all sincerity for the relief prayed for in the bill."

BALTIMORE, Jan. 5.—Bernard N. Baker, former president of the Atlantic Transport Company, said to-night:

"The press of the country to-day gives great space to the Government's suit to break the steamship pool for what they are doing under the name of legitimate business. They will go a little farther they will find that not only does this apply to the legitimate business but also to the freight business."

A company of American citizens should start a line of steamers to-day with South America the same company would put on "floating ships" to crush them out, and not only this, but they would refuse to pay the exporters and importers with sound reasons, and his freight accommodations on their steamers, if they shipped by this competitive line.

In addition to this all the lines in the steamship combine pay a rebate to either shipper or receiver, so that upon the end of the year, provided during that year they have not shipped freight by a competing line.

But we are criticizing the English and Germans for such combination. Look at the condition of our Panama Railroad traffic which has existed for so many years and what the Pacific Mail Steamship Company is doing even to-day, and we Americans quietly allow it to be done.

## ENGLISH STEERAGE POOL VIEW.

A suggestion That We Abolish the Head Tax If We're Not Satisfied.

SPECIAL CABLE DISPATCH TO THE SUN. LONDON, Jan. 5.—Shipping men here and in Liverpool when questioned on the subject assumed that the prosecution of the transatlantic pool was inspired by some disgruntled competitor. They profess inability to realize how America can have jurisdiction over European companies whose offices, if an offence has been committed, was committed in Germany, where the conference has its headquarters.

It is contended that steerage passengers are well fed and lodged and safely carried at abnormally low rates, and it is impossible to see how the conference's arrangement could be considered as being illegal in any sense. It is sarcastically suggested that if the United States thinks the arrangement restricts immigration the country can easily meet by abolishing the head tax.

None of the officials of the lines affected attaches his name to the foregoing or other views. The Cunard and White Star officials refused to be interviewed. One interviewer pointed out that the absence of competition undoubtedly has effect on passengers and hence on the country and on the condition of the condition of the steerage on some lines.

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## GERMANS ON SHERMAN LAW.

Say It Cannot Be Applied to Commerce Outside the U. S.

SPECIAL CABLE DISPATCH TO THE SUN. BERLIN, Jan. 5.—In reply to the threatened action of the American Government in proceeding against the Atlantic steamer pool under the Sherman anti-trust law, inspired articles appear in the newspapers here to-day. They say that the pooling companies are not subject to the American law, as the pool was constituted in London and was chiefly of European companies. It is asserted by the newspapers that the Sherman law regulates interstate commerce, and by interstate commerce is meant only American States. In any case, it is maintained, the law can only be applied to that part of contracts which involves dealings with American railroads.

The Hamburg-American Steamship Company has issued a statement saying the companies welcome America's action, the object of which is simply to determine whether the anti-trust laws are applicable to foreign shipping companies. It is added that the arrangement will expire in the spring, when it probably will be renewed with certain alterations necessitated by changed circumstances. Shippers, while believing that the Federal court will decide in favor of the companies, think if the verdict is adverse it would be impossible to withhold access to the steamer business and a commercial complications.

## CAPT. PALMER GOES FREE.

Oppression Charge Dismissed After the Police Quit Jane Smith's House.

Magistrate Breen dismissed in the night court last night the charge of police oppression preferred against Police Captain Palmer of the West Forty-seventh street station house by Jane Smith, whose house in West Forty-sixth street was raided on November 1st last. Assistant Corporation Counsel Hahn informed the Magistrate that the policeman to whose presence Jane Smith objected had been withdrawn. The Magistrate had set to work to dismiss the charge.

One hour after the Magistrate gave his opinion last Tuesday night condemning police occupancy of a private house he got a telephone message from Police Headquarters saying Deputy Commissioner Driscoll had called off the policeman at Jane Smith's.

## HORSE STABBED BECAUSE HE LICKED APPLES.

Louis Teitelbaum, who tends a fruit stand in the Gansevoort street market, was in the Jefferson Market court yesterday charged with stabbing a horse that attempted to pick an apple from his stand.

The complaining witness, Giuseppe Sorace, of 421 Seventh avenue, said he saw Teitelbaum stab the horse with "some shining instrument." Special Policeman Miskew of the Society for Prevention of Cruelty to Animals testified that the horse's upper lip was badly cut. The prisoner was held for trial in \$500 bail.

## FORMER NEWARK SCHOOLMASTER FOUND DEAD.

The Newark police yesterday broke into the home of Miss Theodosia M. Tucker, a former school teacher, 75 years old, of 98 Orchard street, of whom nothing had been seen for two days, and found her dead in bed. County Physician McKenzies also died of apoplexy. It had been her habit to sit at one of the front windows of her home. Neighbors knew of her feebleness and missed her the last two days. They feared something wrong and notified the police.

## DIX WON'T TRY TO LEGISLATE

HE WILL LEAVE THAT DUTY TO THE LEGISLATURE.

Will Have Bills Drafted to Meet His Recommendations and Have Them Submitted to the Legislature for Its Action.—P. S. Commissioners Too Costly.

ALBANY, Jan. 5.—Gov. Dix has again emphasized the fact that he is not going to give the Legislature any specific instructions. He intends to have bills drawn up embodying recommendations contained in his message, but he made it plain to-day that these bills were to be submitted to the Legislature for its action, and that the people, like himself, would have to abide by the Legislature's decision. After he has had the bills for the consolidating of State departments drafted along the lines suggested in his message and approved by his counsel, the Governor will take up the matter of recommending changes in the State Lunacy Commission, including the abolition of the three commissioners and the placing of the authority in a single-headed commission. The Governor believes his recommendations to be in the line of increasing the efficiency in State administration, and it will be for the Legislature to accept or reject them. This also pertains to his recommendation regarding Statewide direct nominations.

Gov. Dix disclaimed any idea of making a departure from executive customs. He does not expect to have bills embodying his recommendations introduced for the Governor, but expects rather that members of the Legislature will follow out his recommendations in the drafting of these bills, which the counsel to the Governor may pass upon.

Gov. Dix expects from time to time to send further messages to the Legislature explaining certain reforms which he could only briefly refer to in his annual message. The principal topics to be discussed will include the public service commissions, which according to figures the Governor has received cost the taxpayers of the State last year in appropriations \$1,700,000, aside from \$1,000,000 spent on grade crossings. This seems an exceedingly large amount when it is stated that the expenses of the judiciary of the entire State aggregated for the same period only \$1,300,000.

Gov. Dix was asked regarding his policy toward Republican State officials whose terms have in some instances many months to run, included in this class being State Superintendent of Insurance Hotchkiss, State Health Commissioner Porter and State Banking Superintendent Cheney.

The Governor replied that he was given the matter no attention as yet, as he scarcely knew these and other officials whose terms will not expire for some time. He said he expected to meet and confer with these Republican department heads, and that his policy was to build up and not tear down.

Gov. Dix has heard from William N. Dykman of Brooklyn, the well known attorney to whom he desired to offer a position as a State Civil Service Commissioner, that Mr. Dykman is not in good health and is contemplating a trip abroad. Under the circumstances consideration of Mr. Dykman's name has been dropped.

Judge D'ady Herick, who has been prominently mentioned as a possible dark horse in the United States Senatorial race in the event of the Shepard and Sheehan boys collapsing, called on Mr. Dykman, who he called merely to pay his respects to the Governor, and he left after a brief talk with him.

When the Legislature reconvenes a

## HYDE LIKELY TO GET HIS PAY.

Justice Goff Doesn't See How an Injunction Can Be Granted.

Supreme Court Justice Goff heard argument yesterday in the "taxpayer's suit" brought by a building concern to enjoin Comptroller Prendergast from paying City Chamberlain Hyde his \$500 salary for the last two weeks of December on the ground that Mr. Hyde was away from his office all the month and earned nothing and was not entitled to take a vacation. Justice Goff said he did not think the Court had power to grant such an injunction, but he reserved decision.

Assistant Corporation Counsel Godley, who opposed the motion, said that a city official was entitled to his salary as long as he retained his office and that if it was not paid to him he could sue the city and get it.

"It is time that something was done to settle the question as to whether a city officer can go away from his duties and still draw his salary," said A. Epstein, counsel for the building concern.

"No man is so high or so low that the Supreme Court will not reach him somewhere or some time," said Justice Goff. "As to this question I do not think the court has the power to grant the injunction demanded."

Mr. Hyde has drawn his salary for the first half of December and the plaintiff wants to get that back out of Comptroller Prendergast's pocket on the theory of waste of public funds.

## TAX ON BROOKLYN SALOONS.

Appellate Court Holds They Must Pay \$1,200 a Year, Reversing Justice Crane.

ALBANY, Jan. 5.—The Appellate Division of the Supreme Court in the Second Judicial Department has just handed down an opinion, in which all of the five Judges concurred, reversing the determination of Justice Crane at Special Term and dismissing the writ of certiorari in the matter of the application of some of the Brooklyn liquor tax certificate holders to compel the State Commissioner of Excise to issue liquor tax certificates in the Borough of Brooklyn at the rate of \$675 per annum instead of \$1,200 per annum, the rate which had been fixed by the Commissioner in accordance with the result of the latest United States census, which gave the Borough of Brooklyn a population of over 1,500,000.

At Special Term it was held by the Court that the rate of tax should properly be fixed by the last State census, and that it was not affected by the Federal census of 1910. An appeal was taken by the State from such decision, with the result above indicated. This decision will increase the State's revenues by nearly a million dollars a year.

Committee to Revise State Senate Rules. ALBANY, Jan. 5.—Lieut. Gov. Conway to-night appointed the following committee to revise the rules of the State Senate in accordance with the resolution of Senator Wagner, which was adopted by the upper house yesterday: Senators Wagner, T. D. Sullivan, Ramberg and Cullen, Democrats, and Senator Brackett, Republican.

Journal Clerk of the State Senate. ALBANY, Jan. 5.—Senate Clerk Patrick E. McCahill has appointed William F. Kearney of Albany as journal clerk of the Senate at a salary of \$2,500. Mr. Kearney is one of the best known young Democrats in this section and has been secretary of the Albany city and county democratic committees for the last ten years.

## WARDWELL SISTERS' CASE.

Conference of Court and Lawyers to End Proceedings Comes to Naught.

An effort was made in Newark yesterday to end the proceedings against Mrs. Caroline B. Martin and her sister, Mrs. Mary W. Sneed, accused of murdering Ocoy Sneed in East Orange on November 28, 1903. The trial is on the calendar for next Monday.

A conference was held in the court house which lasted nearly all day. Prosecutor Mott, Judge Ten Eyck, Louis Hood, special counsel for the State, Samuel Kalisch, counsel for Mrs. Sneed, and Frank H. Sommer, counsel for Mrs. Martin, were present. It was without result. It is understood that the bar to an agreement to accept a plea of manslaughter was the objection of Special Prosecutor Louis Hood, who insisted on a trial Judge Archer A. Phileas of Bristol, Va., a close friend of the Wardwell family, appeared at the court house accompanied by Albert Sneed, son of Mrs. Sneed.

Mrs. Martin was brought from the jail on orders from Judge Ten Eyck and placed in one of the detention rooms adjoining the Sheriff's office. While she was there James E. Delaney, secretary to Sheriff Harrigan, entered. She wanted to know who he was and what he was doing in the room. When he did not answer she said:

"Why am I, an innocent woman, treated in this manner? Why am I ordered by the warden of the jail to come down here to see my counsel and then forced to sit down here without seeing him? Where is Mr. Kalisch? He is my counsel and I want to see him."

Mr. Kalisch was busy at the conference. He is counsel for Mrs. Sneed. Mrs. Martin did not ask for Mr. Sommer, who was appointed by the Court to act as her counsel.

## STEAMSHIP CAPTAIN ARRESTED.

Charge of Violating Immigration Laws Delays Vessel's Sailing.

The steamship Laura of the Austro-American Line yesterday left her berth at the Bush Terminal in Brooklyn about eighteen hours late because the Federal authorities had caused the arrest of her captain, Robert Stuppich, and two steerage stewards as she was preparing to sail.

It is alleged that the three conspired to smuggle Theodor Lambovitis, a Greek, into this country. Lambovitis was located in another State. He told Commissioner Morle that he paid the captain and stewards to land him surreptitiously. Ernest and Demetrius Muratopulos, the stewards, were held in \$2,500 bail each for a hearing next Wednesday, and Capt. Stuppich was allowed to take his ship out in nominal bail of \$100 on each of the officers, the company standing responsible for his appearance when wanted.

## APPOINTMENTS AT ALBANY.

Comptroller Sommer Names Transfer Tax Attorneys.

ALBANY, Jan. 5.—State Comptroller Sommer to-day announced these appointments of transfer tax attorneys, the compensation being in fees:

Broome county, James F. Ahearn of Binghamton; Cattaraugus, George H. Ainsley of Salamanca; Chenango, D. V. Stratton of Oxford; Franklin, Leslie Saunders of Dickinson; Queens, George H. Gagg of Elmhurst; Rensselaer, James V. Coffey of Troy; St. Lawrence, D. B. Lucey of Ogdensburg.

State Forest, Fish and Game Commissioner Austin to-day appointed Joseph V. Sauter of New York as acting division chief for the Metropolitan and Long Island district of game protectors. The salary is \$2,000 a year.

Comptroller Sommer to-night appointed Percy W. Decker of Catskill as a transfer tax attorney for Greene county.

## BROOKE OFFER TO SETTLE.

Government Considering an Offer in Undervaluation Suit.

An offer, the terms of which have not been made public, has been submitted by Joseph Brooke & Co., the English woolen importers, with headquarters at Bradford, England, and a shop at 810 Broadway, in settlement of the suit brought by the Government to forfeit the firm's stock held for undervaluation. Negotiations have been pending for several weeks. The matter has been submitted to the Secretary of the Treasury for approval.

The Government's action took the form of forfeiture proceedings only because the members of the firm, who could be proceeded against, criminally if they were in this country, are in England.

## BUDGET EXHIBIT OF HEBREW WORK.

A budget exhibit of the Educational Alliance, Young Men's Hebrew Association, Hebrew Technical Institute and Hebrew Technical School for Girls will take place in the auditorium of the Hebrew Technical School for Girls, Second avenue and Fifteenth street, on Sunday evening, January 15, at 8:15 o'clock. The delegates who will attend the council of the Union of American Hebrew Congregations have been invited to be present and a number of representative men will participate in the exercises at which Justice Samuel Greenbaum, president of the council of Jewish Communal Institutions will preside.

## BROOKLYN EMPLOYEES LAID OFF.

President Steers of the Borough of Brooklyn yesterday announced the laying off of 460 employees in the bureau of highways until the resumption of work in the spring. He has also dropped from the payroll thirty of the ninety scrubworkers who are public employees in use of a shortage in the appropriation.

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